

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:

Broadcast Localism

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MB 04-233

**COMMENTS OF THE ASSOCIATION OF PUBLIC TELEVISION  
STATIONS**

The Association of Public Television Stations (“APTS”)<sup>1</sup> hereby submits comments in the above-captioned proceeding regarding the local services of Public Television.<sup>2</sup>

In the debate over media-ownership rules, there has been no dispute that the goal is the preservation of local media and universal service. However, few have focused on what may be the last true bedrock of locally controlled free, over-the-air media: *public television stations*. Public television stations in this nation are local in structure and mission, licensed as they are to numerous local communities and local and state institutions, and relying on local financial donations for a significant portion of their daily operations. Moreover, public television’s outreach efforts extend beyond the television screen to contribute to education and community involvement on a local level. As public

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<sup>1</sup> APTS is a nonprofit organization whose members comprise the licensees of nearly all of the nation’s 356 CPB-qualified noncommercial educational television stations. APTS represents public television stations in legislative and policy matters before the Commission, Congress, and the Executive Branch and engages in planning and research activities on behalf of its members.

<sup>2</sup> In the Matter of Broadcast Localism, Notice of Inquiry, MB Docket No 04-233, FCC 04-129 (June 7, 2004), hereinafter “NOI.”

television stations transition to digital operations, they face unprecedented challenges as well as unique opportunities to extend their public service mission through the transmission of multiple educational and public safety services.

However, public television stations cannot do it alone and unaided. They need critical federal funding and policy support to make the promise of local digital services a reality. For instance, APTS has argued in other proceedings before the Commission that the Commission should ensure that the entirety of a station's free, over-the-air digital broadcast signal is carried by cable systems. APTS has also urged the Commission to ensure the fair and full carriage of local digital signals on direct broadcast satellite systems.

In addition, as the Commission considers the range of policy options available to it to facilitate the responsiveness of local broadcasters to their communities, it should be aware of a central fact: public broadcasting *is* locally-controlled media (see statement of APTS CEO and President, John Lawson, Appendix A). As the Commission considers the myriad of issues surrounding the importance of localism in the American media landscape, it should be especially aware of Public Television's role in preserving the value of localism. Further, Public Television requests that the Commission be wary of imposing any unnecessary regulation on public television stations in an apparent interest to revive selected elements of the now-abandoned ascertainment doctrine.

## **I. Public Television: Local in Structure and Mission**

By statute, and pursuant to the policies established by the Commission and the Corporation for Public Broadcasting, the purpose of public television stations is to serve

the public interest by providing educational and informational services to their local communities.<sup>3</sup> The public television “system” in this country is, by design, decentralized. The 356 local public television stations are operated by local community foundations, colleges, universities and school districts as well as locally-responsive state commissions. In addition, most public television stations possess community advisory boards that allow direct feedback from the community regarding performance and adherence to public television’s mission.<sup>4</sup> Moreover, daily operations are directly funded by donations from local viewers, ensuring community responsiveness in a very concrete financial way. In fact, one-quarter of Public Television’s funding comes from individual donations, while only about 15 percent of funding comes from the Federal Government. The balance is funded by local businesses, state and local governments, local colleges and universities, and foundations.

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<sup>3</sup> 47 U.S.C. §§ 396(a)(5) ([I]t furthers the general welfare to encourage public telecommunications services which will be responsive to the interests of people both in particular localities and throughout the United States, which will constitute an expression of diversity and excellence, and which will constitute a source of alternative telecommunications services for all the citizens of the Nation”); 396(a)(6) (“[I]t is in the public interest to encourage the development of programming that involves creative risks and that addresses the needs of unserved and underserved audiences, particularly children and minorities”); 396(a)(8) (“[P]ublic television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs”). In addition, CPB is authorized to “facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature.” 47 U.S.C. § 396(g)(1)(A). See also 47 CFR § 73.621 (FCC rules requiring public television stations primarily to serve the educational needs of the community and requiring an noncommercial educational service).

<sup>4</sup> Other than states, political or special purpose subdivisions of a State or public agencies, all public television licensees must have a Community Advisory Board in order to receive CPB grants. 47 U.S.C. § 396(k)(8)(A). The FCC has succinctly stated why state licensees are not required to have community advisory boards: “While it is true that stations licensed to state or local jurisdictions are not required to have advisory boards, these stations are often under even more direct public control since state and local officials are accountable for their action or inaction through the electoral process.” Revision of Program Policies and Reporting Requirements Related to Public Broadcasting Licensees, Report & Order, FCC 84-294, 98 F.C.C.2d 746 ¶ 21 (1984). For CPB’s policies regarding the advisory board, see “Certification Requirements for Station Grants Recipients,” [www.cpb.org/about/corp/certification](http://www.cpb.org/about/corp/certification).

Because of its inherently local structure, public television programming is responsive to the communities these stations serve. As the Senate Commerce Committee has recently observed:

Public broadcasting stations exercise complete discretion over programming decisions – all licensees are owned and controlled at the local level. This structure is due, in part, to the institutional and financial factors that motivated the founding of each individual public television station. Unlike commercial television stations, which typically involve business-related investment decisions, establishing a public television station entails a local-level commitment to the education and cultural enrichment of viewers.<sup>5</sup>

In this regard, the Senate Commerce Committee further observed that “the locally owned and controlled public broadcasting stations are models of local service in their communities” because they “control their own programming content and schedules and tailor them to the interests of their communities.”<sup>6</sup>

#### **A. Public Television: Reaching Out to the Community**

Pursuant to their mission to serve their local communities,<sup>7</sup> public television stations across the nation have provided not only a mix of national, regional and local programming, but have also engaged in local partnerships and outreach efforts. For instance, the National Center for Outreach, through funding provided by CPB, assists public television stations in facilitating meaningful outreach to local communities and helping to foster and deepen existing community partnerships by supporting stations'

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<sup>5</sup> Public Broadcasting Reauthorization Act of 2004, Report of the Committee on Commerce, Science and Transportation on S. 2645, S. Rep. No. 108-396 (2004) at 3.

<sup>6</sup> Id. at 10.

<sup>7</sup> 47 U.S.C. §396(a)(8) (“[P]ublic television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs”).

outreach missions; communicating pipeline opportunities; advancing best practices; sharing resources; training new and experienced outreach professionals; funding local outreach with annual grants; and organizing national meetings to enhance local outreach.

***Ready to Learn.*** Through its *Ready To Learn* initiative, Public Television has contributed toward our nation's most urgent educational goal— ensuring that all children begin school ready to learn – in a very local way. The core of *Ready to Learn* is to provide non-violent, commercial-free, educational children's television programming broadcast free of charge to every American household. Through local public television stations, *Ready To Learn* (RTL) coordinators have made these characters come to life by reading to children in their communities and providing extensive outreach services to parents, child care providers and other early childhood professionals.<sup>8</sup> In addition to the millions of children reached nationwide through broadcasting, public television RTL provides the following:

- 650,000 parents and early childhood professionals have participated in 20,000 community-based Ready To Learn workshops on using television wisely, developing children's learning skills and preparing children to read.
- Approximately 7 million children have benefited from their parents' and teachers' participation in Ready To Learn outreach services.
- And over a million free, new books have been distributed through public television RTL to disadvantaged children.

***Other Outreach Efforts.*** In addition, local public television stations conduct independent efforts to enhance their local programming with effective community outreach services. These include additional efforts to enhance early reading, to provide support for child care professionals, to address issues of local concern for older

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<sup>8</sup> See [www.pbs.org/readytolearn](http://www.pbs.org/readytolearn).

Americans, to provide worker retraining, to enhance democracy and to respond to community crises. In this way, the noncommercial educational services public television stations provide extend beyond the television screen.

For example, ThinkBright Lifelong Learning is a family of digital learning services being developed by public television station WNED in Buffalo, New York. The service includes a multicasting channel, an online learning service, targeted TV content initiatives, and outreach and training for teachers, families, students and adult learners. The John R. Oishei Foundation in Buffalo has provided WNED with an unprecedented grant of 2.5 million dollars to develop and launch ThinkBright across a four-year timeline. The foundation's mission is to fund ventures that serve as a catalyst for community development and change. WNED's major partners in ThinkBright include the Buffalo Public Schools, Erie 1 BOCES, the University at Buffalo's Center for Applied Technologies in Education, the Western New York Regional Information Center, and the City of Buffalo.<sup>9</sup> Further representative station examples of local outreach efforts are described at Appendix B.

## **B. Using Digital Television to Enhance Local Service**

With the conversion to digital broadcasting, Public Television can continue this legacy of service and can accomplish so much more. The inherent flexibility and capabilities of digital television will enable public television stations to deliver a number of enhanced educational and public safety services to the public in ways that could only be dreamed of in the analog world. As the digital transition progresses, public television

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<sup>9</sup> For further information, visit [www.ThinkBright.wned.org](http://www.ThinkBright.wned.org).

stations are evolving from broadcasters serving their local communities to interactive local public interest media institutions with deep ties to other public service institutions and citizens within their local communities.

### **1.     *Multicasting***

Public television stations are taking advantage of digital television's technological flexibility by broadcasting multiple program streams to bring new services to the public that could not be made available under the constraints of a single analog program stream. These include an expanded distribution of formal educational services, children's programming, workforce development services, locally-oriented public affairs programming, and programming addressed to traditionally unserved or underserved communities.

***Formal Education and Children's Education.*** More than 95 percent of public television stations have committed to broadcast at least one multicast channel dedicated to formal educational programming. Many public television stations are partnering with state departments of education to develop supplemental educational programming that promotes state standards of learning and accountability. Typically, public television's educational programming will emphasize a combination of adult continuing education, K-12 instructional programming, workforce development/ job training and college telecourses. For example, the South Carolina Educational Television Network offers an educational channel, featuring college courses from University of South Carolina and Clemson University, and original educational programming. Similarly, WMEC (Macomb, IL) is working with the Illinois Board of Higher Education and five local colleges and universities to develop college credit and non-credit courses, as well as

continuing education and job training courses. Further, building its over thirty years of experience and the trust of millions of parents, 77 percent of public television stations plan to provide a digital multicast channel dedicated solely to children's programming.

***Workforce Development.*** A number of public television stations are also developing dedicated digital channels to provide workforce development services. For instance, in a groundbreaking partnership with the New Jersey Department of Labor and other state agencies and community-based organizations, New Jersey Network is using a variety of technologies, including its digital television signal, to deliver workforce training materials to welfare recipients, dislocated workers and other job seekers at fourteen sites across the state.

In addition, in collaboration with Colleges of Education at Maryland colleges and universities, Maryland Public Television (MPT) is planning to develop more professional development programs for in-service and pre-service teachers, allowing them to learn from master teachers across the state. Working with local school districts, MPT could videotape some of the state's best teachers in action, showcasing the most effective instructional practices to enhance the quality of instruction in classrooms across Maryland.

Lastly, New Hampshire Public Television has plans to dedicate a channel for workforce development, allowing for example, firefighters and emergency medical technicians to be re-certified via broadcast courses instead of assembling them twice a month for mandatory classes.

***Public Affairs and Local Issues.*** Numerous public television stations also plan to multicast a digital channel dedicated to public affairs and local issues. These multicast



channels will cover state legislatures, local town meetings and debates, and highlight local business, lifestyle, and political issues.

For instance, the South Carolina Educational Television Network currently offers gavel-to-gavel coverage of the South Carolina General Assembly through its over-the-air digital multicasting service. KNME (Albuquerque, New Mexico) and KBDI (Broomfield, Colorado) plan a similar service. Moreover, a group of western public television stations (Idaho Public Broadcasting, KNPB in Reno, Nevada, KUED in Salt Lake City, Utah, and Wyoming Public Television) have created a multi-state partnership called FocusWest to deliver news and public affairs programming of interest to Americans in the west through an innovative new digital multicast channel. In addition, both the South Carolina Educational Television Network and WNET, among others, plan on providing a dedicated channel for local or regional arts and culture.

***Addressing Underserved Communities.*** Still other multicast plans include targeting broadcasts at traditionally underserved communities. Several public stations will dedicate a multicast channel to foreign language programming. For instance, WNYE (New York City) plans to broadcast a dedicated foreign languages channel, featuring programming in at least 12 different languages, including Japanese, Chinese, Italian, Greek, Polish, and other Eastern European languages, and focusing primarily on public affairs – complete with local news, international news and cultural programming from various countries. Other public stations, such as Iowa Public Television are also considering channels dedicated to the needs of the senior community.

## 2. **Datacasting for Education and Public Safety**

***Providing Educational Data.*** Public television transmitters also have the potential to provide localized noncommercial educational services over a broadband-like digital infrastructure to all Americans. The inherent flexibility of digital broadcast technology can allow for the delivery of data at extraordinary speeds in conjunction with a multicast television experience. This extraordinary data delivery mechanism, in conjunction with other technologies designed to provide a return path capability, can facilitate the delivery of high-quality noncommercial educational services through a broadband-like pipe.

Four licensees – Wisconsin Public Television, the New Jersey Network, KCPT (Kansas City, MO), and WHYY (Philadelphia) – have already demonstrated the power of this kind of data service for education.

- The Wisconsin Educational Communications Board has used DTV technology to deliver educational data overnight to local schools with computers equipped with DTV tuner cards. In two Madison elementary schools, fourth-graders are now able to view video segments of downloaded material as many times as they wish and can explore additional resources such as graphics, written materials, and audio recordings. The enhanced resources include video segments, maps, photographs, historical documents, tours designed to help guide student learning, and audio segments of actual diaries. For teachers, there is an integrated teacher guide, teaching tips, and a list of related Wisconsin Model Academic Standards.
- New Jersey Network has produced original video content, which it datacasts to a media server located in Columbus Elementary School in Trenton, the pilot site. Teachers may then download from the server "on-demand" course supplements and NJN's customized, modular video segments to enhance the content in the lesson plan.
- Through its *New Jersey Workplace Literacy Program*, New Jersey Network has also been helping to address adult literacy through a

groundbreaking partnership with the New Jersey Department of Labor in which it uses a variety of technologies, including its digital television signal, to deliver work force training materials to welfare recipients, dislocated workers and other job seekers to designated sites in New Jersey. NJN's first digital series, called JOBCAST, is broadcast on NJN's digital channel. NJN is now expanding this initiative to adopt in-school programs for teenagers, with private sector support.

- KCPT (Kansas City, Missouri) is currently running a pilot project for datacasting to schools and colleges. The project will take datacasting from content preparation through delivery to two K-12 schools and two colleges and evaluate technical and instructional support needed by the end users. KCPT is using locally produced video and web content for the project, including *Water and Fire*, *the Story of the Ozarks* and *Uniquely Kansas City*.
- And WHYY in Philadelphia is conducting a datacasting pilot project that focuses on adult basic education. Using a combination of national and local programming, WHYY has digitized 58 half-hour video segments and over 700 pages of text for delivery to desktop computers. These computers have the capability to receive and store datacast transmission and have been placed -- in partnership with the Workforce Investment Boards of Chester, Philadelphia, Delaware and Montgomery Counties -- in libraries, hospitals, community centers and colleges in locations easily accessible to the targeted population.

***Enhancing Public Safety.*** In addition, a fully digitized public television system could offer significant new public safety advantages. By using its existing wireless digital broadcast capability, Public Television can establish national and regional Homeland Security public safety networks. In this regard, Public Television's congestion-free bandwidth can support public alert systems as well as closed networks to enable public safety and emergency management agencies to securely transmit critical, time-sensitive information. These services are provided through a technology called "datacasting," whereby data originating from a public safety agency would be received by a local PTV station, which then encrypts the data, inserts it into the digital TV signal,

and sends the packet through its digital transmitter to personal computers or local area networks equipped with an inexpensive DTV tuner card (\$300) and a small antenna (\$30). The data can consist of video, text, audio, graphs and maps.

A datacasting system of this type provides many advantages to public safety agencies. First, transmission of the data over the digital broadcast signal is nearly instantaneous, compressing minutes of alert time and information lags to just a few seconds. Second, this infrastructure can bypass the congestion common to wireline and wireless services, such as the Internet, telephone and cellular networks. Third, the system would be “addressable” so that public safety agencies can pinpoint to whom the data is sent, whether to relevant agencies, mobile units, or first responders in the field. Lastly, because public television stations reach nearly every American household, the digital infrastructure – once fully built out – could supplement the digital broadcast Emergency Alert System as a national alert system to reach all homes, schools, hospitals and businesses via computers.

Several public television stations and state networks have already pioneered local public safety datacasting networks. For example:

- Kentucky Educational Television (KET), in partnership with the local branch of the National Oceanic and Atmospheric Administration (NOAA), commissioned the development of software that allows it to use its digital broadcast capacity to immediately send emergency storm alerts, weather information, criminal profiles and updates, and other time-sensitive materials instantaneously to computers around the state.
- Channel Thirteen/ WNET in New York City is leading the way in prototyping a new broadband emergency alert system capability using their digital transmitter located on the Empire State Building. WNET-DT will use a portion of their digital spectrum in order to develop a system to capture, integrate, disseminate and display video, other sensor data, and multi-source intelligence data to support special operations for urban environments, perimeter defense, homeland defense

emergency response systems and emergency broadcast systems. The project will demonstrate how first-responders will receive high-value information that will improve their ability to perform critical functions during an emergency. This end-to-end system design and demonstration will incorporate a variety of technologies such as Ad-Hoc Networked Unattended Ground Sensors (UGS), portable/mobile COFDM receivers, in-band return path, real-time Error Resilience, MPEG4 encoding/streaming, and embedded multimedia players. As a terrestrial broadcast television licensee, Thirteen/WNET will support the project by combined use of datacasting over its DTV facility with use of its Instructional Television Fixed Service (ITFS) license to provide two-way communications for public safety officials and first-responders.

- New Jersey officials and the New Jersey Network (NJN) are working together to use datacasting send vital information – evacuation instructions, bioterror alerts, images of skin rashes, medical procedures – to emergency workers. In the first homeland security datacasting project in the country to work with a nuclear facility, the NJN datacasting system is being tested in the Emergency Planning Zone around the Oyster Creek Nuclear Generating Station. Working in partnership with the New Jersey State Office of Emergency Management, NJN installed datacasting cards in the personal computers at Ocean County and Lacey Township Emergency Operation Centers. Once this project demonstrates the potential for very quick, efficient and robust distribution of emergency information to multiple receiving devices using NJN's digital television airwaves, it may be expanded to emergency centers across the state.
- Nashville Public Television (NPT) has launched Tennessee's first-ever DTV IPcasting system for education, homeland security and public service. This past year, NPT launched a demonstration of its ability to deliver local and regional public safety information for the Nashville Mayor's Office of Emergency Management, Nashville Fire Department and Tennessee Emergency Management Agency.
- Partnering with the University of New Hampshire Cooperative Extension, the New Hampshire Library Association, and Volunteer NH, New Hampshire Public Television (NHPTV) designed a series of forums to help communities across the state create dialogue about emergency preparedness and related issues. The forums were held in eight separate communities each chosen for their unique emergency preparedness needs (rurality, proximity to a nuclear facility, accessibility by sea, etc.). Each meeting featured a question and answer session with local emergency management personnel to connect the broader message with local needs. The project was funded by a grant from the National Center for Outreach and drew on public television's tradition of convening communities through outreach.

## **II. Public Television Requires Critical Federal Funding and Policy Support**

Public Television is without a doubt a national treasure and a critical local resource. But it cannot survive unaided. Like democracy itself, this public resource requires careful tending in the form of adequate funding and supportive federal policy.

### **A. Public Television Requires Adequate Federal Funding**

Despite the promise that digital broadcasting holds to enhance and expand the educational mission of public television, public television stations are facing a number of financial obstacles. It has been estimated, for instance, that the cost of digital conversion for public broadcasting (including radio) will total \$1.8 billion.<sup>10</sup> To date, public television stations have raised a substantial amount of digital conversion funds totaling \$771 million, from Federal, state, local and private sources. In addition, a number of public television stations are facing severe financial challenges due to current economic conditions and state budget crises. Meanwhile stations throughout the nation are simultaneously facing the increased operations cost associated with operating two stations – one analog and one digital—until the DTV transition has run its course. Moreover, in addition to its digital upgrade and operation needs, Public Television needs

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<sup>10</sup> Corporation for Public Broadcasting Appropriation Request and Justification FY 2004 and FY 2006, Submitted to the Labor, Health and Human Services, Education and Related Agencies Subcommittee of the House Appropriations Committee and to the Labor, Health and Human Services, Education and Related Agencies Subcommittee of the Senate Appropriations Committee, p. 9 (February 2003), available at: [http://www.cpb.org/about/reports/appropriation/fy04\\_fy06/index.html](http://www.cpb.org/about/reports/appropriation/fy04_fy06/index.html).

continued federal assistance in order to extend and improve upon its current analog service.<sup>11</sup>

## **B. Public Television Requires Supportive Federal Policy**

Public Television also requires supportive federal policy to ensure its continued viability. For instance, APTS has argued in other proceedings before the Commission that the Commission must ensure that the entirety of a station's free, over-the-air digital broadcast signal is carried by cable systems. APTS has also urged the Commission to ensure the fair and full carriage of local digital signals on direct broadcast satellite systems. These issues are of critical and direct importance to the success of the digital transition and the survival of public television.

***Digital Cable Carriage.*** As Public Television has repeatedly demonstrated, without full carriage of their entire digital signal on cable, public television stations will be unable to adequately address the need to provide educational programming to multiple audiences and to serve underserved audiences in accordance with its statutory mandate. Moreover, without full multicast carriage, public television stations will inevitably face declining underwriting, membership and government support, resulting in a deterioration or failure of service to their communities.<sup>12</sup> Accordingly, a reasonable must-carry

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<sup>11</sup> Full details regarding the federal funding request for public broadcasting – for both analog and digital operations—have been submitted by the Corporation for Public Broadcasting and can be found at: [http://www.cpb.org/about/reports/appropriation/fy04\\_fy06/index.html](http://www.cpb.org/about/reports/appropriation/fy04_fy06/index.html).

<sup>12</sup> See Letter to Jane Mago from the Association of Public Television Stations, the Corporation for Public Broadcasting and the Public Broadcasting Service, CS Docket No. 98-120 (Sept 17, 2003) (providing examples of multicast programming); Letter to Michael K. Powell, from the Association of Public Television Stations, the Corporation for Public Broadcasting and the Public Broadcasting Service, CS Docket No. 98-120 (Sept. 10, 1002) (setting forth statutory basis of full carriage); Ex Parte Comments of Public Television, CS Docket No 98-120 (March 20, 2003) (setting forth constitutional basis for full carriage with supporting affidavits); and Letter to Marlene Dortch from the Association of Public Television Stations, the Corporation for Public Broadcasting and the Public Broadcasting Service, CS Docket No. 98-120 (Aug 12, 2002) (rebutting claims by Laurence Tribe regarding constitutional implications of mandatory full multicast carriage).

requirement guaranteeing carriage of public television digital signals on cable would be essential to preserving localism in broadcasting.

***Satellite Carriage.*** APTS has also urged the Commission to ensure the fair and full carriage of local analog and digital signals on direct broadcast satellite systems. On May 10, 2004, Public Television wrote to the Commission to support the extension of the Satellite Home Viewer Improvement Act (SHVIA) to the carriage of local digital broadcast television signals.<sup>13</sup> Since that time, recent developments have demonstrated that satellite carriers will soon have ample capacity to comply with a reasonable digital must-carry requirement under SHVIA. For instance, early this September, DirectTV announced that it will have capacity for more than 1,650 HD channels on four new satellites within three years.<sup>14</sup> Spaceway 1 and 2, scheduled for launch next year, could carry more than 500 local HD channels plus standard definition options, while DirecTV 10 and 11, scheduled for launch in 2007, would carry 1,000 local HD channels.<sup>15</sup> Similarly, EchoStar has been newly approved to expand its own satellite fleet by three new satellites, an expansion which it admits is designed to deliver more local high-definition television programming.<sup>16</sup> Moreover, recent technical submissions to the FCC

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<sup>13</sup> Ex Parte Letter to Chairman Michael K. Powell, CS Docket No. 98-120 and 00-96 (May 10, 2004).

<sup>14</sup> See Communications Daily (Sept. 9, 2004); and "DIRECTV Announces Plan to Launch Next Generation Satellites to Provide Dramatic Expansion of High-Definition and Advanced Programming Services," Press Release, (Sept. 8m 2004) available at: <http://ir.thomsonfn.com/InvestorRelations/PubNewsStory.aspx?partner=5276&storyId=120007>.

<sup>15</sup> Id.

<sup>16</sup> See In the Matter of EchoStar Satellite LLC Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 109° W.L. Orbital Location, Order and Authorization, DA 04-3163, ¶ 2 (Sept. 30, 2004); In the Matter of EchoStar Satellite LLC Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 83° W.L. Orbital Location, Order and Authorization, DA 04-3162, ¶ 2 (Sept. 30, 2004); and In the Matter of EchoStar Satellite LLC Application for Authority to Construct, Launch and Operate a Geostationary Satellite Using



and Congress have conclusively demonstrated that there are additional technologically feasible means to deliver terrestrial digital signals via satellite.<sup>17</sup>

With 20 percent of American households subscribing to direct broadcast satellite services, satellite carriage of public television digital signals is vital to enhance the reach of public television and to foster localism in broadcasting.

### **III. The Commission Should Forebear from Imposing Unnecessary Ascertainment-Like Requirements on Public Television Stations**

As demonstrated above, public television is local in both structure and mission. The NOI issued in this docket, however, has posed a series of questions, and sought comment on a series of potential policies, that apparently indicate some Commission interest in reviving some form of ascertainment requirements to enhance local responsiveness to community interests. For example, the Commission has suggested that it might “encourage broadcasters, through some means, to air a certain level of public affairs programming and public service announcements, with an emphasis on local programming.”<sup>18</sup> The Commission has also sought information on policies to enhance

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the Extended Ku-band Frequencies in the Fixed-Satellite Service at the 121° W.L. Orbital Location, Order and Authorization, DA 04-3164, ¶ 2 (Sept. 30, 2004).

<sup>17</sup> For instance, the National Association of Broadcasters has demonstrated that satellite firms have available to them a wide range of potential new techniques for expanding their capacity. See Reply Comments of the National Association of Broadcasters, Federal Communications Commission, MB Docket No. 03-172 (Sept. 26, 2003); and Letter from Dianne Smith, Capitol Broadcasting Company to Marlene Dortch, Federal Communications Commission, CS Docket 98-120 and MB Docket 03-15 (January 22, 2004). See also Written Testimony of Robert G. Lee, President and General Manager of WDBJ-TV, on behalf of the National Association of Broadcasters, Subcommittee on Courts, the Internet, and Intellectual Property, Committee on the Judiciary, United States House of Representatives, pp. 20-22 (February 24, 2004).

<sup>18</sup> NOI, ¶ 13.

political and civic discourse,<sup>19</sup> service to minority communities,<sup>20</sup> and disaster warnings.<sup>21</sup>

When considering these issues, APTS urges the Commission to carefully take into account how public television stations are inherently community-responsive. Public television stations operate in a decentralized context, in which licenses are controlled by local community groups, universities, community colleges, school boards and other governmentally-chartered community-responsive institutions. Many stations possess community advisory boards or other similar mechanisms for gauging community needs and interests. And nearly all public television stations are tied to their communities through local donations from individuals and local business which constitute a significant portion of a station's revenue. Indeed, as demonstrated above, public television has a unique and unparalleled record of community service second to none. There is absolutely no doubt that public television stations are providing an abundance of locally responsive programming and outreach services, and APTS therefore urges the Commission to forebear from imposing any unnecessary ascertainment-like requirements on public television stations.

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<sup>19</sup> NOI, ¶ 22.

<sup>20</sup> NOI, ¶ 26.

<sup>21</sup> NOI, ¶ 28.

## Conclusion

As the Commission considers the issues surrounding the importance of localism in the American media landscape, it should be especially aware of Public Television's contribution to preserving this value. Public television stations throughout the nation provide critical local broadcast and outreach services to their communities. With the digital conversion, these stations are grasping the opportunity to enhance their service through multicast digital channels, educational datacasting, and public safety data transmission. However, to make the best of this opportunity, public television stations require adequate funding and favorable policy from the federal government. APTS therefore urges the Commission to require mandatory carriage of digital signals on both cable and satellite. APTS further urges the Commission to forebear from imposing any unnecessary ascertainment-like requirements on public television stations in this proceeding.

Respectfully submitted,

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November 1, 2004

## **APPENDIX A**

## The Real Locally Controlled Media<sup>22</sup>

By John M. Lawson

In the debate over media ownership rules, both sides have said the goal is the preservation of local media and universal service. However, neither side gave much consideration to the last true bedrock of locally controlled free, over-the-air media—public broadcasting stations. Taking local public broadcasters for granted is unfortunate because, without some care, they could go away.

It's hard to get more "local" than public broadcasting. Our stations are operated by community foundations, state commissions, and colleges, universities, and school districts. Our "business model" is about as grassroots as it gets: We *give away* our programming—advertising free—and *then* ask people to help pay for it. We give real meaning to "free, over-the-air."

So, for the policymakers and interest groups still concerned about commercial media concentration, we in public broadcasting have a modest request. We ask that you spend at least *some* of your energy and concern to ensure the survival and growth of locally-controlled *public* media.

What we need from you is a well-defined and fairly limited set of policy changes. At the FCC, we need the commission to finally act on two cable carriage issues that have been languishing for years. First, we need some sort of transitional carriage for our digital signals. The digital transition will never be completed without the government using its Supreme Court-sanctioned authority to act in this area.

Second, we need this commission to reverse the notorious split decision of the Kennard commission on the issue of "primary video." Our stations have raised nearly \$1 billion for DTV conversion based on specific plans for multiple new digital services. These include public affairs, kids, educational programming and datacasting. The Kennard decision will define most of these services as "secondary" and therefore not worthy of cable carriage. This hostile policy will render much of our stations' digital facilities as "white elephants" on the media landscape.

Preserving local public broadcasting also requires Congress and the White House to realize that the digital transition did not end for public stations on May 1 of this year. Additional matching funds are needed to meet FCC requirements for simulcasting and signal replication and maximization. And in a recent survey, our member stations indicated their highest priorities for FY 2004 funding were digital cameras and related studio upgrades. Local production is clearly a priority of public television.

From the public interest community, we ask that some of your concern about preservation of local commercial media be channeled into the preservation of local noncommercial

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media. From some of these groups, public television has received just the opposite. Under Chairman Michael Powell, the FCC provided public broadcasters with the flexibility to use some of their non-broadcast digital capacity for “ancillary and supplementary” services that could produce much-needed revenue. Rather than support this welcomed relief, some of the groups actually challenged parts of the decision in the U.S. Court of Appeals. Fortunately, the court upheld the FCC decision, but the groups are considering an appeal. What a misplaced investment of resources!

The bottom line for us: Public broadcasting *is* locally-controlled media. Helping us furthers the professed goals of all parties in the media consolidation debate. We hope those parties will look to public broadcasting as part of the solution.

John M. Lawson is the president and CEO of the Association of Public Television Stations.

## **APPENDIX B**

## Beyond the Screen: Local and Regional Outreach Activities Conducted by Public Television Stations in Their Communities

Because local public television stations are intimately connected to their communities, they have been on the forefront of local outreach efforts to enhance early reading, provide support for child care professionals, address issues of local concern for older Americans, provide worker retraining and respond to community crises. The following are some representative examples of these activities.

### EARLY READING

- **KCTS/Seattle, WA** airs more than 65 hours of quality, commercial-free children's educational programming each week and, through its Learning Services Cooperative, broadcasts 360 hours of instructional television each year to schools and school districts. In 2002, KCTS Learning Services launched a video streaming service providing teachers in the KCTS School Cooperative with access to more than 14,000 individual clips that can be integrated into lesson plans and student research. The station enhances children's literacy skills and school readiness with a variety of community-based services through its Kids & Family program, including online resources, workshops for parents and educators, the annual *Reading Rainbow* Young Writers and Illustrators Contest, and the distribution of hundreds of free books to children and families who otherwise would not own them.
- **Detroit Public Television.** The Enrichment Channel (TEC) is a curriculum-based, educational media production and distribution project. Detroit Public Television produces 3 early elementary (2nd, 3rd & 4th grades) literacy videos, CD-ROMs and Internet applications in partnership with 4 intermediate school districts (ISD) and Detroit Public Schools. In this partnership, the schools work with Detroit PTV to develop research-based content and to ensure that the content is aligned with Michigan Curriculum Framework standards and benchmarks. The intent is to produce media that enhances the effectiveness of literacy instruction by basing content and "inter-activities" related to arts, cultural and children's real life experiences. TEC early literacy content is consistent with the Michigan Literacy Progress Profile as well as national (No Child Left Behind) and state reading readiness initiatives.
- **KCPT/Kansas City, MO** has piloted a new effort known as FELA (Family Emergent Literacy) with a partnership grant with the Hickman Mills School District through its 21st Century Schools grant. The district has identified targeted schools with the lowest reading scores KCPT. Ready To Learn staff work with parents and teachers from these schools to provide books and encouraging a love of reading in children.
- **Blue Ridge Public Television/Roanoke, VA.** With unemployment rising across the region among communities with 40% illiteracy, **BRPTV** is conducting early Childhood outreach through its **Ready To Learn** program, which is focusing on parent teacher training. Fifty-four workshops, are scheduled for 1,073 adult caregivers, of 7,703 children. In addition, first books are provided this year to 10,484 "at-risk" children in central, Southside and southwest Virginia.



- **WCET/Cincinnati, OH**, Just in time for the Ohio Bicentennial - *Write Now, Ohio* brings Ohio authors to students in hundreds of classrooms throughout the state. The program *Write Now, Ohio* is designed for students in grades four through six and provides an interesting and creative way for students to improve their literacy skills.

## CHILD CARE

- **Connecticut Public Television**. Originally based on the PEP curriculum designed by child development specialists at Children's Television Workshop, *First Step* has since expanded to include the Ready to Learn project. Ready to Learn is a national PBS school readiness initiative, established in response to the National Education Goal that by the year 2000, all American children will begin school ready to learn. Since CPTV began the program in 1994, *First Step* has held more than 125 workshops (40 in 1999 alone); trained more than 1,000 care providers and parents; impacted more than 10,000 children across Connecticut; and distributed more than 5,000 free, new preschool books each month to low-income families across Connecticut. In 1998 CPTV brought the *First Step* program beyond the classroom by producing the TV program *Television Can Teach: A First Step Workshop*. Designed to reach parents and caregivers throughout Connecticut, it explains the principles of First Step, demonstrates their application, and encourages alternatives to TV viewing.
- **IdahoPTV's** monthly newsletter, *Connections*, is designed for those who care for children, birth through eight. Throughout the school year, *Connections* provides information in one place about the themes of each children's program, each day, along with book titles for infants, toddlers, and pre-schoolers that tie to weekly themes.
- **WSIU/Carbondale, IL** has worked with local organizations, including local colleges, area child care professionals, elementary and secondary schools and libraries to develop informative workshops, materials, and community activities to enable child care providers and parents to understand how to use public television to enhance the growth and education of young children.

## OLDER AMERICANS

- **WHYY's Wider Horizons** is an information and entertainment service for everyone looking forward to or living the second half of life—those planning a new career or retirement, active elders, children of aging parents, the homebound, and everyone interested in living a satisfying life enhanced by intellectual stimulation, lifelong learning and a continuing connection to the things and places they love. See [www.whyy.org/widerhorizons](http://www.whyy.org/widerhorizons).
- In celebration of Older Americans Month 2003, **Mississippi Educational Broadcasting** and several aging services providers sponsored three workshops to inform senior adults about federal policy information, health issues and local agencies whose main mission is to help seniors in need. The program included workshops, exhibits and presentations by state and local aging service organizations, health and family caregiver discussions and opportunities for seniors to sign up for volunteer activities.

## WORKER RETRAINING

- In partnership with Alamo Workforce Development, Inc., public television station **KLRN** in San Antonio, TX has developed a website to support San Antonio's job growth demands by providing high-quality careers paths, guidance, and tools to students, parents, educators and businesses. See [www.careerfest.net](http://www.careerfest.net). It is a growing catalogue of career development materials that allows quick and easy access to a range of relevant resources. The website can help students explore jobs with career potential in computers, information technology, biotechnology, aviation, architecture, and other exciting, growing fields.
- **New Jersey Network/NJ Workplace Literacy Program**. Available at community-based sites throughout the state, the New Jersey Workplace Literacy Program was created in partnership with the New Jersey Department of Labor (DOL) and NJN Public Television to deliver workforce training programs and services directly to welfare registrants, dislocated workers and other job seekers identified by DOL. Using digital television technology, the Internet and print materials, NJN provides interactive training services that allows participants to address individual employment-related issues at their own pace. The program is currently available at one-stop employment centers in Camden, Trenton, Neptune, Bridgeton, Jersey City, and Elizabeth; the Newark Housing Authority; a Department of Corrections' assessment and training center in Camden; the Urban League in Jersey City; and community-based organizations in Newark and Paterson.

## ENHANCING DEMOCRACY

- **Iowa Public Television** created an effort, entitled *Mi Primer Voto*, to provide first-time Hispanic voters with special services. The campaign included specialized program offerings, public service announcements, and targeted outreach to inform the state's largest minority population about the voting process and encourage voter registration.
- In **Warrensburg, Missouri**, public station KMOS offered *Show-Me the Vote*, which included a campaign documentary about the Missouri candidates for the U.S. Senate, a live open forum connecting multiple sites across the state, and classroom materials for Missouri teachers.
- The Albuquerque public television station, **KNME**, brought together tribal leaders and gubernatorial candidates to focus on Native American issues and, separately, engaged the Native American population in New Mexico through a one-day election information event, a Native American political literacy Web page, and two 30-second messages declaring that the "Native American vote counts!"
- **Idaho Public Television** provided enhanced programming and Internet material examining two important ballot initiatives — term limits and gaming.
- **Wisconsin Public Television** produced *On the Verge of Voting*, an educational outreach program for Wisconsin high school student examining television campaign advertising and truth in advertising. The goal of the effort was to help the student become more discerning consumers of information and more informed future voters.

## RESPONDING TO COMMUNITY CRISIS

- After the civil unrest of April 2001 in Cincinnati, **WCET** in Cincinnati created a local outreach initiative called “Common Ground” to address a number of racial issues of concern to the region. Through efforts spearheaded by CET's President and CEO Susan Howarth, virtually all local media outlets joined forces in an effort called the Cincinnati Media Collaborative. Through the Common Ground series, CMC members worked to engage citizens across the region in informed discussions about the issues surrounding the area's racial tensions. For the entire Common Ground effort, all programs have been made available without charge to local schools with lesson plans that not only enhance students' understanding of the issues but also correlate to the Ohio Proficiencies. See [www.cetconnect.org/commonground](http://www.cetconnect.org/commonground).

